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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,122	05/04/2001	Donald E. Ackley	264/037	1952
34263	7590	05/04/2005		
O'MELVENY & MEYERS 114 PACIFICA, SUITE 100 IRVINE, CA 92618			EXAMINER MARSCHEL, ARDIN H	
			ART UNIT	PAPER NUMBER
			1631	
DATE MAILED: 05/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,122

Applicant(s)

ACKLEY ET AL.

Examiner

Ardin Marschel

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-14, 17 and 21-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7-14 and 21-25 is/are allowed.
- 6) ☒ Claim(s) 26-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
~~Paper No(s)/Mail Date~~ 5/1/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicants' arguments, filed 2/14/05, have been fully considered and they are deemed to be persuasive to overcome previous rejections of record. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

Unfortunately, upon reconsideration, the following rejections and/or objections are newly applied. They constitute the complete set presently being applied to the instant application.

Due to the newly applied rejections summarized hereinbelow, the finality of the office action, mailed 11/2/04, is hereby withdrawn. The amendment, filed 2/14/05, has been entered.

### **PRIOR ART REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 26-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhao et al. (P/N 5,962,856); taken in view of Wainer et al. (P/N 3,609,359).

Zhao et al. has been summarized in the previous office action, mailed 2/14/03, as describing an imaging array with row and column transistor selection etc. as shown in the Figures and summarized in the abstract. The "DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT" section starting in column 4 details the sensing electrodes, circuitry, etc. as instantly claimed. Figure 7 of Zhao et al. depicts a supply circuit for the supply as instantly claimed which is a first and second supply due to supplying electrical voltage to the multiplexer and scanning control electronic components depicted in Figure 1B of the reference which also shows row and column transistors with a return electrode depicted as the ground connection in said Figure 1B shown as a down arrowhead. The X-ray array of Zhao et al. is for receiving a conductive solution including charged biological materials which is described in column 1, lines 9-24, due to being utilized for medical imaging in a hospital of patients which are well known to contain charged biological materials which are also conductive if exposed to electricity. Zhao et al., however, does not describe a permeation layer on the X-ray array as required for instant claim 26 and those dependent therefrom.

Wainer et al. improves on X-ray imaging via the description of a layered structure for amplifying X-ray images fit onto an X-ray cassette as summarized in the abstract. Thus, Wainer et al. is motivated and suggested to be utilized in X-ray imaging as in Zhao et al. which utilizes X-ray imaging practice as summarized above. Wainer et al. also is directed to medical X-ray practice as summarized in column 1, lines 7-17. The layered structure of Wainer et al. which includes a permeation layer as claimed in instant claim 26, for example, is described in column 4, lines 21-56, wherein pores are

set forth in the amplification layer of Wainer et al. which reasonably describe a permeation layer via porosity therein. Further porous or permeable layers are described in column 5, lines 30-73, in Wainer et al.

Thus, it would have been obvious to someone of ordinary skill in the art at the time of the instant invention to utilize the X-ray amplification invention of Wainer et al. for improved medical imaging which would also improve the practice of Zhao et al. regarding medical X-ray imaging with arrays utilized therein of transistors as summarized above to result in the practice of the above listed instant claims. The practice of field effect transistors in the circuitry of Zhao et al. as in instant claim 28 is described via the thin film transistor description in column 4, lines 50-57, wherein this transistor type utilizes a drain, source, and gate as are well known components described for field effect transistors.

Claims 1-3, 7-14, 17, and 21-25 are allowable.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., AU 1631 Supervisory Patent Examiner, whose telephone number is (571) 272-0718. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (571) 272-0549.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2005

*Ardin H. Marschel* 5/1/05  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER